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EXAMINER	
HICKS, CHARLES N	
ART UNIT	PAPER NUMBER
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,344	GEE, JEANETTE	
	Examiner	Art Unit	
	CHARLES N. HICKS	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,8-11,15,20-25,29-32,35,40-43 and 45-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,8-11,15,20-25,29-32,35,40-43 and 45-53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/2/2010 have been fully considered but they are not persuasive. Applicant's argument on pages 13-14 of the response that Abecassis fails to disclose processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames is understood, but the examiner disagrees. The video segment map disclosed in Abecassis discloses how video segments are labeled according to a viewer's graphic preference level in col. 11, lines 30-55. This map is used to present a presentable requested program to a viewer based on that viewers preferences in col. 53, lines 1-55. The video map and preference information allow for the system to exactly replace a objectionable image with a blank screen, neutral image or informational/commercial data. It should also be noted that this limitation is broad enough to be met by replacing frames. Given that, the examiner also notes that said limitation is also disclosed by Ford reference (fig. 5-6, col. 8, lines 45-65). Examiner also notes that said limitation is also disclosed by Ellis reference (col. 14, lines 45-65).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1 and 3, 8-11, 15, 20-25, 29-32, 35, 40-43, and 45-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Ford (US Patent No. 6,519,770 B2), hereinafter referred to as Ford, in view of Ellis (US Patent No. 7,370,343 B1), hereinafter referred to as Ellis, in view of Abecassis (US Patent No. 5,610,653), hereinafter referred to as Abecassis.

5. Regarding claim 1, Ford discloses an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising: an extraction device receiving at least a portion of the first video signal and configured to extract information therefrom **(fig. 6, col. 7, lines 45-68)**;

a replacement control device **(fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9)**;

a processor operatively coupled to said replacement control device and communicatively coupled to said extraction device for receiving at least a portion of said extracted information therefrom **(fig. 1-6, col. 8, lines 10-44)**;

a memory coupled to said processor and storing a replacement criterion **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**;

and said processor programmed to identify replacement information in said extracted information **(fig. 1-6, col. 8, lines 10-44)**.

However Ford is silent in regards to disclosing a replacement video signal including less objectionable content and a processor programmed to cause said replacement of a portion of first video signal with said replacement video signal. Ellis discloses a replacement video signal including said less-objectionable content communicatively coupled to said replacement control device **(fig. 1, col. 5, lines 22-45, col. 14, lines 45-64)**. All elements are known and they could be combined by known techniques to produce a predictable result of replacing objectionable content with less-objectionable content. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Abecassis discloses said processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames **(fig. 1-3, col. 11, lines 35-62).** All elements are known and

they could be combined by known techniques to produce a predictable result of replacing objectionable content in a specified subregion of a video display. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

6. Regarding claims 3 and 25, Ford discloses the apparatus wherein said first video signal is selected from the group consisting of: a Digital Radio Broadcast signal, a broadcast television signal, a cable television signal, an RF signal, and an Internet signal **(fig. 1-6, col. 6, lines 65-68, col. 7, lines 1-23)**.

7. Regarding claims 8 and 29, Ford discloses the apparatus wherein said replacement information is present in a vertical blanking interval of the first video signal **(fig. 1-6, col. 7, lines 45-68)**.

8. Regarding claims 9 and 30, Ford discloses the apparatus, wherein said replacement information is present in a line 21 of the first video signal **(fig. 1-6, col. 7, lines 45-68)**.

9. Regarding claims 10 and 31, Ford discloses the apparatus wherein said replacement information is present in a Text field of the first video signal **(fig. 1-6, col. 7, lines 45-68)**.

10. Regarding claims 11 and 32, Ford discloses the apparatus wherein said replacement information includes information relating to a duration the portion of said first video signal is to be replaced in response to said replacement information satisfying said replacement criterion **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14)**.

11. Regarding claims 15 and 35, Ford discloses the apparatus wherein said replacement information includes content selected from the group consisting of: information identifying a portion of the first video signal having violent content, information identifying a portion of the first signal having sexual content, and information identifying a portion of the first video signal having potentially objectionable language **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14)**.

12. Regarding claims 20 and 40, Ford discloses the apparatus wherein said replacement information includes information relating to a time in the first video signal at which the replacing should begin **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14, col. 8, lines 10-25)**.

13. Regarding claims 21 and 41, Ford discloses the apparatus wherein said replacement information includes information relating to a level of intensity of the objectionable content **(fig. 1-6, col. 5, lines 10-43)**.

14. Regarding claims 22 and 42, Ford discloses the apparatus wherein: said memory contains a plurality of words stored therein **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**;

said extraction device is configured to extract a closed caption signal from the first video signal **(fig. 6, col. 7, lines 45-68)**;

said processor receives said extracted closed caption signal and is programmed to compare words in said extracted closed caption signal with said words stored in said memory **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**;

and said processor causes said replacement device to replace an audio signal in response to determining that a word stored in said memory is present in said extracted closed caption signal **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**.

15. Regarding claims 23 and 43, Ford discloses the apparatus wherein said replacement criterion is received from a user **(fig. 1-6, col. 5, lines 27-43).**

16. Regarding claim 24, Ford discloses a method selectively replacing objectionable content in a first video signal intended for viewing on a display screen with less-objectionable content, said method comprising the steps of: storing a replacement criterion in a memory **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**;

receiving said less-objectionable content as a replacement video signal **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-24)**;

receiving the first video signal **(fig. 6, col. 7, lines 45-68)**;

and extracting replacement information from the first video signal **(fig. 1-6, col. 8, lines 10-44)**.

Ellis discloses determining whether the extracted replacement information satisfies said replacement criterion **(fig. 1, col. 5, lines 22-45, col. 14, lines 45-64).** All elements are known and they could be combined by known techniques to produce a predictable result of replacing objectionable content with less-objectionable content. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Abecassis discloses replacing a portion of the first video signal with the replacement video signal in response to determining that said extracted replacement information satisfies said replacement criterion, wherein said less-objectionable content comprises advertising and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames **(fig. 1-3, col. 11, lines 35-62).** All elements are known and they could be combined by known techniques to produce a predictable result of replacing objectionable content in a specified subregion of a video display. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

17. Regarding claim 45, Ford discloses a method for selectively replacing objectionable content from a signal having both audio and video signal components intended for presentation on a display screen, said method comprising: storing

replacement criteria in a memory identifying disallowed video content **(fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9)**;

receiving the signal **(fig. 6, col. 7, lines 45-68)**;

and extracting information from said signal identifying objectionable content in said signal **(fig. 1-6, col. 8, lines 10-44)**.

Ellis discloses determining whether said extracted information satisfies said replacement criteria **(fig. 1, col. 5, lines 22-45, col. 14, lines 45-64)**. All elements are known and could be combined by known techniques to produce a predictable result of a device that analyses extracted information. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Abecassis discloses modifying the video signal component with replacement video data in response to determining that said extracted information satisfies said replacement criteria so that substantially only specified subregions of displayed video frames corresponding to disallowed video content are replaced with advertising **(fig. 1-3, col. 11, lines 35-62).** All elements are known and they could be combined by known techniques to produce a predictable result of replacing objectionable content in a specified subregion of a video display. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

18. Regarding claim 46, Ford discloses the method wherein said extracted information includes information relating to the duration the video signal component of

said signal should be modified in response to said extracted information satisfying said replacement criteria **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14)**.

19. Regarding claim 47, Ford discloses the method wherein said extracted information includes information relating to the level of intensity of the objectionable content **(fig. 1-6, col. 6, lines 7-36)**.

20. Regarding claim 48, Ford discloses the method further comprising the step of receiving said replacement criteria from a user **(fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-24)**.

21. Regarding claim 49, Ford discloses the method wherein said extracted information is present in the vertical blanking interval of a television signal **(fig. 1-6, col. 7, lines 45-68)**.

22. Regarding claim 50, Ford discloses the method wherein said extracted information is present in line 21 of the television signal **(fig. 1-6, col. 7, lines 45-68)**.

23. Regarding claim 51, Ford discloses a device for selectively filtering objectionable content from a video program intended for viewing on a display screen comprising a video signal component, said device comprising: an extraction device receiving all or part of said video signal component and configured to extract filter codes therefrom

identifying potentially objectionable content in said video program **(fig. 1-6, col. 7, lines 45-68, col. 8, lines 10-44)**;

a video control device **(fig. 1-6, col. 3, lines 40-57)**;

and a processor operatively coupled to said video control device and communicatively coupled to said extraction device for receiving extracted filter codes **(fig. 1-6, col. 8, lines 10-44)**.

Ellis discloses a memory coupled to said processor and storing criteria defining disallowed video content **(fig. 1, col. 5, lines 22-45, col. 14, lines 45-64).** All elements are known and could be combined by known techniques to produce a predictable result of memory storing defining disallowed video content. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Abecassis discloses said processor programmed to cause said video control device to selectively obscure substantially only subregions of displayed video frames corresponding to disallowed video content with advertising when extracted filter codes match said criteria **(fig. 1-3, col. 11, lines 35-62).** All elements are known and they could be combined by known techniques to produce a predictable result of replacing objectionable content in a specified subregion of a video display. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

24. Regarding claim 52, Abecassis discloses the device wherein said filter codes define the coordinates of the subregions within the video frames **(fig. 1-3, col. 11, lines 35-62)**.

25. Regarding claim 53, Abecassis discloses the device wherein the subregions are rectangular regions encompassing the disallowed video content **(fig. 1-3, col. 11, lines 35-62)**.

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

CNH